



HOUSE OF REPRESENTATIVES

SB 1295

DUI; watercraft; medical practitioner; authorization

Prime Sponsor: Senator Driggs, LD 28

DP Committee on Judiciary

DP Caucus and COW

X As Transmitted to the Governor

OVERVIEW

SB 1295 modifies a defense to driving under the influence (DUI) or operating motorized watercraft under the influence (OUI) of drugs.

PROVISIONS

1. Expands the defense to prosecution for a DUI or OUI violation resulting from the person having any drug or its metabolite in the person's body to include if the person is using a drug prescribed by a licensed medical practitioner who is authorized to prescribe the drug.

CURRENT LAW

[A.R.S. § 5-395](#) and [A.R.S. § 28-1381](#) make it illegal to operate either a motorized watercraft or a vehicle under the influence of alcohol or drugs. The offense is split into three categories:

- Operating under the influence of drugs or alcohol, if the person is impaired to the slightest degree;
- Operating within two hours of having an alcohol concentration of 0.08 or greater;
- Operating while there is any drug as defined in [A.R.S. § 13-3401](#) or the drug's metabolite in the person's body.

Current law provides a defense to the third category, commonly referred to as an (A)(3) violation, if the person using the drug has it prescribed by a medical practitioner licensed to practice under any of the following statutes:

- A.R.S. Title 32, Ch. 7 (Podiatry)
- A.R.S. Title 32, Ch. 11 (Dentistry)
- A.R.S. Title 32, Ch. 13 (Medicine and Surgery)
- A.R.S. Title 32, Ch. 17 (Osteopathic Physicians & Surgeons)

In addition to the medical professionals listed above, the following individuals are also currently authorized to prescribe drugs:

- Physician Assistants ([A.R.S. § 32-2532](#))
- Registered Nurse Practitioners ([A.A.C. R4-19-507](#))
- Naturopathic Physicians ([A.R.S. § 32-1501\(15\)](#))
- Optometrists ([A.R.S. 32-1701](#))
- Homeopathic Medical Doctors ([A.R.S. 32-2901](#))
- Veterinarians; scope of practice limited to treating animals ([A.R.S. 32-2281](#))

ADDITIONAL INFORMATION

More information about the prescriptive authority of health professionals can be found [here](#).